

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

GMS INDUSTRIAL SUPPLY, INC.,)
Plaintiff,)
)
v.)
)
G&S SUPPLY, LLC, et al.,)
Defendants.)
_____)

Civil Action No. 2:19CV324 (RCY)

ORDER

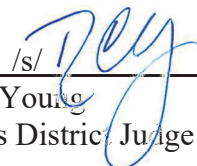
This matter is before the Court for a final pretrial conference. For the reasons stated from the bench, the Court ORDERS as follows:

Defendants' Motion in Limine (ECF No. 239) is: DENIED as to its motion to exclude evidence and argument that the sales agent defendants owed GMS a duty of loyalty; DENIED as to its motion to exclude testimony from or argument about GMS witness Amber Wenrick; DENIED IN PART and GRANTED IN PART¹ as to its motion to limit GMS's unfair competition claim to the CCPN Kits displayed in its October 2017 catalog; and DENIED as to its motion to exclude evidence and argument of GMS's damages.

Plaintiff's Motion in Limine (ECF No. 243) regarding the Drummond lawsuit is TAKEN UNDER ADVISEMENT. Plaintiff's Motion in Limine is MOOT with regard to the motion for an adverse inference instruction, pursuant to the Court's previous ruling. *See* ECF Nos. 249, 250.

It is so ORDERED.

Richmond, Virginia
Date: May 20, 2022



Roderick C. Young
United States District Judge

¹ At the final pretrial conference, the Court took this motion under advisement. Plaintiff's NSNs are relevant to this action, as Defendants' CCPN items could be combined into kits to compete with Plaintiff's NSNs. However, admitting catalogues created and distributed after the Defendants were terminated would be an improper method of establishing what products were being offered by Plaintiff during Defendants' terms of employment. As such, this motion is granted to the extent that the catalogues issued after the termination of Defendants are excluded. However, Plaintiffs are granted leave to substitute catalogues issued before the termination of Defendants in place of the two 2019 catalogues.